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ABSTRACT

In 1981, Texas embarked on a 10-year period of educational reform. This report presents findings of a policy research project that documented and analyzed these reforms to serve as a guide for future policy developments. Following the introduction, chapter 2, entitled "Student Reforms," addresses issues of curriculum, assessment and dropout reduction. Chapter 3, on "Teacher Reforms," describes initiatives passed to improve teacher quality and to attract and retain good teachers. Topics discussed in the fourth chapter, concerning governance and accountability reforms, include decentralizing the decision making process, establishing statewide goals and standards, and accrediting school districts (with suitable awards and incentives). are discussed in the fourth chapter. The concluding chapter summarizes the school finance reforms of the past decade and considers the dilemma of how to improve financial equity. Four tables are included. The appendix contains a summary of state educational reform legislation. (Contains 117 notes.) (LMI)

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A Decade of Change

Public Education Reform in Texas 1981-1992

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SPECIAL PROJECT REPORT

Lyndon B. Johnson School of Public Affairs
The University of Texas at Austin

&

Texas Center for Educational Research

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February 1993

SPECIAL PROJECT REPORT

Lyndon B. Johnson School of Public Affairs
The University of Texas at Austin
&
Texas Center for Educational Research

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Foreword

The Lyndon B. Johnson School of Public Affairs has established interdisciplinary research on policy problems as the core of its educational program. A major part of this program is the nine-month policy research project, in the course of which two or more faculty members from different disciplines direct the research of 10 to 20 graduate students of diverse backgrounds on a policy issue of concern to a government or nonprofit agency. This "client orientation" brings the students face to face with administrators, legislators and other officials active in the policy process and demonstrates that research in a policy environment demands special talents. It also illuminates the occasional difficulties on relating research findings to the world of political realities.

This report on Texas public education reform efforts between 1981 and 1991 is the initial publication of a policy research project being conducted in 1992-93 under a grant from the Texas Center for Educational Research. In 1981, Texas embarked on a 10-year period of reform that eventually touched every area of public education. Initiatives followed no single master plan, but, rather, reflected events and activities that arose from widespread concern over the effectiveness and equity of public education in the state. No single report or research effort has chronicled these efforts, and, until now, no organization has undertaken to document and analyze these reforms for the purpose of guiding future policy developments. This policy research project is intended to address this omission. This baseline study relies on extensive information from reviews of task force reports, legislation, and interviews with advocates, teachers, and administrators to provide a summary of previous legislative reform initiatives. The project's final report will assess selected initiatives and provide policy guidance to the Texas Legislature on education reform areas deserving further attention.

The curriculum of the LBJ School is intended not only to develop effective public servants but also to produce research that will enlighten and inform those already engaged in the policy process. The project that resulted in this report has helped to accomplish the first task; it is our hope that the report itself will contribute to the second.

Finally, it should be noted that neither the LBJ School nor The University of Texas at Austin necessarily endorses the views or findings of this report.

Max Sherman
Dean

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Chapter 1. Introduction

Every child must be encouraged to get as much education as he has the ability to take. We want this not only for his sake–but for the nation's sake. Nothing matters more to the future of our country: not military preparedness–for armed might is worthless if we lack the brainpower to build a world of peace; not our productive economy–for we cannot sustain growth without trained manpower; not our democratic system of government–for freedom is fragile if citizens are ignorant.

-Lyndon Baines Johnson, 1965

In the early 1980s, Texas launched a decade of legislative reforms dedicated to improving the quality of its public education system. Concerned that this system was inadequately preparing Texans for the future, the Texas Legislature in 1981 initiated a movement that defined the essential elements of the school curriculum. Three years later, it enacted a major reform law that included such provisions as funding for public school prekindergarten and the teacher career ladder. More than 30 additional legislative initiatives between 1981 and 1991 have further changed Texas public education. Table 1 in this chapter and the appendix to this report summarize some of the legislation.

Yet, Texas remains at an education crossroads in 1993. The sheer size and diversity of the Texas public school system represents both a challenge and an opportunity to the state as it prepares Texas schoolchildren for a society increasingly driven by complex technologies and a global marketplace. These children will become the backbone of state and national workforces, the hope of the state's future, and the strength of a democratic society. Consider the following statistics from the 1991-92 school year:

- More than 3.4 million Texas children attended 1,050 regular and special statutory school districts and close to 6,000 individual campuses across the state.
- The largest Texas school district (Houston Independent School District) had 196,500

students, and the smallest district (Allamore Independent School District) had only 2 students.

• Each student is expected to spend seven hours a day, 180 days a year in school, for a total of 1,260 student hours in the classroom during an academic year—for a statewide total of 4.3 billion hours spent annually by kindergarten through 12th-grade students in a school setting.

• Urban districts' student populations were nearly 80 percent racial and ethnic minorities, while rural districts were almost 28 percent racial and ethnic minorities.

• Six districts each enrolled more than 50,000 students, while 393 districts each enrolled fewer than 500 students.

• Twenty percent of all Texas public school students were served by the eight largest districts. The smallest 382 districts, which represent 36 percent of all Texas districts, enrolled less than 3 percent of the students.

• Racial and ethnic minority students comprised 51 percent of Texas public school students, with Hispanic students accounting for more than 34 percent of the total.

• The number of public school students increased 2.4 percent between 1990-91 and 1991-92, with 56 percent of the increase represented by the growth in Hispanic students.

• Statewide, approximately 45 percent of the more than 1.1 million students taking the Texas Assessment of Academic Skills (TAAS) tests in October 1991 passed all three sections of the test.

• A total of 160,527 students graduated from Texas public high schools in the 1990-91 school year; of these, almost 9,400 were special education students.

• The total number of Texas public school 12th-grade graduates in 1990-91 was 64.9 percent of the 7th graders who enrolled in 1985-86.

• A total of 53,965 students in grades 7 through 12 dropped out during the 1990-91 school year; of these, 41,695 were not at the appropriate grade level for their age.

• Texas public schools employed 212,758 teachers at an average salary of $29,041. The average teacher had 11.3 years of teaching experience.

• Teachers accounted for 84 percent of school district professional staff and 53 percent of all staff.

- Total revenue for school district spending was $16.8 billion, an increase of 9.5 percent over 1990-91. Of the total revenue, $15.3 billion was budgeted by local districts.

- Districts budgeted an average of $4,452 per pupil, an increase of 8.6 percent over 1990-1991.

The purpose of this report is to identify and review the reform legislation enacted by the Texas Legislature in the 1980s, thereby providing education policymakers with a baseline document from which to consider Texas public education reform initiatives in the 1990s. In each of the areas of student reforms, teacher reforms, governance and accountability reforms, and school finance reforms, this report identifies the legislative initiatives, how they came about, and what they were meant to accomplish.

No one challenges the importance of student achievement and personal growth. Texas children need to learn to solve problems, work in teams, think critically, understand and use emerging technologies, and communicate effectively. Rather, it is when citizens discuss the best ways to impart knowledge and skills to a diverse set of students that disagreements occur. Issues of curriculum and assessment, along with the issue of how to reduce the number of students who drop out of school, are addressed in chapter two. Equally vital are teachers, whose daily interactions with students are a primary factor in shaping their students' learning experiences. Throughout the 1980s, Texas policymakers have sought to improve the overall quality of teachers currently in the classroom as well as to attract and retain competent, caring teachers. Chapter three addresses these concerns. Student- and teacher-directed efforts, in turn, require a system of state and local school governance and accountability that is effective and efficient. School districts and individual school campuses must have more flexibility and authority to carry out state-level reform mandates and local priorities, while at the same time being held accountable for their performance. This topic is the focus of chapter four. In conclusion, chapter five summarizes the school finance reforms of the past decade and considers the dilemma of how to improve financial equity for the state's vast and diverse student population.

Table 1.

Chronology of Texas Public Education Legislation: 1981-1991

1981	HB	246	Curriculum revision and essential elements
	SB	477	Bilingual education
1983	HB	723	Authorization for exit-level exams
	HB	2077	Guidelines for year-round schools
1984	HB	72	Student, teacher, assessment, governance, and finance reforms
1985	HB	393	Gifted and talented program allotment
	HB	1731	Special education
1987	HB	173	Teacher appraisal system revisions
	HB	1010	Dropout reduction programs
	HB	1050	Gifted and talented programs
	HB	1619	Teacher in-service training requirements
	HB	1894	Special education assessment
	HB	2182	Texas Academic Skills Program (TASP)
	SB	994	Teacher education program requirements
	SCR	50	Special interim committee on dropouts
1989	HB	126	Rules for in-service training
	HB	850	Driver's license restriction
	HB	1292	Pilot parental involvement and parent education programs.
	HB	2195	Innovative programs
	HB	2566	Teacher career ladder changes
	SB	40	TEAMS eliminated for 1st-grade students
	SB	151	Teen pregnancy and parenting programs
	SB	152	Dropout reduction program plans
	SB	246	Prekindergarten programs for three-year-olds
	SB	367	Communities in Schools–required participation
	SB	417	Student, teacher, governance, and accountability reforms
	SB	951	Public school facilities funding
	SB	1019	Student, governance, accountability, facilities, and finance reforms
	SB	1112	Attendance requirements
1990	SB	1	Student, governance, accountability, and finance reforms

1991	HB	1314	Grade-level retention policies
	HB	2175	Time requirements for laboratory science
	HB	2885	School finance, accountability, and governance reforms
	SB	351	Student, teacher, governance, accountability, and finance reforms
	SB	614	Communities in Schools–expanded participation
	SJR	42	CED tax exemptions

Chapter 2. Student Reforms

The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

-Sam Houston, 1860

While the legislative education reforms in the 1980s may appear to have been enacted in a piecemeal fashion, the continuing goal of Texas legislators has been to improve the quality, equity, and effectiveness of public education. Curriculum reforms were intended to provide educational quality for students throughout the state. Programs in areas such as special education, vocational education, and gifted and talented education enhanced the curriculum to meet the needs of special student populations. Testing was initiated and then expanded to check on the level of mastery of the essential elements of the curriculum. Further testing reforms sought to measure students' ability to exercise higher-order thinking skills. To help students master the curriculum, legislation called for remediation and tutoring requirements. These reforms had the additional goal of keeping students in school until graduation. Dropout reduction programs were implemented along with special incentives for students to remain in school. Initiatives targeted at prekindergarten students, pregnant and parenting teens, and dropouts were all intended to help students master the curriculum and remain in school.

This chapter describes the reforms directed at enhancing student learning. Specifically, these reforms were intended to

- provide students with a well-balanced curriculum;
- tailor the curriculum to special student populations;
- ensure all students master the curriculum; and
- keep students in school and learning.

PROVIDE STUDENTS WITH A WELL-BALANCED CURRICULUM

The 1970s ended with growing concern that the Texas public school curriculum did not provide students with the critical basic and thinking skills needed to make informed personal and career decisions and to enable Texas to compete in the global marketplace. School districts had responded to fragmented requirements resulting from state legislation, federal regulation, and State Board of Education (SBOE) policies but had developed curricula that were neither comprehensive nor uniform throughout the state. Legislators believed that the inability of public schools to provide a comprehensive curriculum to all children undermined the state's goal of offering a high-quality education. Thus, in the 1980s, state lawmakers directed educators and policymakers to design and implement a comprehensive curriculum that would be available to all students in Texas, from Texoma to Corpus Christi, and Nacogdoches to El Paso.

What can high school graduates do when they cannot understand what they read in a newspaper or write well enough to complete a job application? Policymakers in Texas pondered that question as they sought to design a curriculum that would contain all the essential elements of what students ought to know when they graduate from high school. The problem was in the details, and identifying those elements proved particularly difficult. In 1979, the Texas Legislature directed the SBOE to undertake a statewide study of subjects taught in Texas public schools and recommend elements to be included in a well-balanced curriculum.[1] Two years of study culminated in House Bill 246 (1981), which specified 12 core subject areas that should form the basis for a uniform educational foundation for all students in kindergarten through grade 12, as shown in Table 2.[2] The SBOE was given authority to designate the "essential elements" of each subject. In March 1984, the SBOE adopted the new curriculum elements which are codified in Chapter 75 of the Texas Administrative Code.[3]

An "essential element" is a skill or concept related to one of the 12 curriculum areas.

Each element has one or more objectives that describes what students should know. The SBOE rules adopted in 1984 outlined the elements of each subject area, specified the time that must be devoted to each subject, described acceptable options for offering courses, and required school districts to develop policies on promotion, retention, remediation, and placement.[4] The code also included new minimum requirements in core subject areas for obtaining a high school diploma. In order to graduate, a student needed to complete eight semesters of English, six semesters of math, four semesters of science, five semesters of social studies, one semester of economics, three semesters of physical education, one semester of health education, and 14 other courses.

Table 2.

The Well-Balanced Curriculum: Core Subject Areas

1. English Language Arts
2. Other Languages (where possible)
3. Mathematics
4. Science
5. Health
6. Physical Education
7. Fine Arts
8. Social Studies
9. Economics
10. Business Education
11. Vocational Education
12. Texas and United States History[5]

The essential elements have become a central feature of public education in Texas. The elements are based on the concept of mastery learning, which is the idea that all students can learn provided that instructional materials are tailored to meet each student's individual needs.[6] A student's mastery of these elements forms the basis for decisions on graduation, promotion or retention, and special assistance.

After the new curriculum and the essential elements were implemented, educators persuaded the Texas Legislature that the Texas Administrative Code was far too specific and, therefore, limited the ability of teachers to modify their lessons to meet individual student

needs. As a result, a provision in Senate Bill 1 (1990) was enacted to prohibit the SBOE from designating the methodology used by a teacher and the amount of time a teacher or student spends on a particular task or subject.[7] However, this has not prevented the Texas Legislature itself from specifying time spent on a subject, as it did in 1991 (House Bill 2175) when it required a certain percentage of class time to be devoted to laboratory instruction in high school.[8] In general, however, the specificity of the curriculum laws and rules of the early 1980s has been relaxed somewhat to accommodate changing needs.

TAILOR THE CURRICULUM TO SPECIAL STUDENT POPULATIONS

Texas seeks to enhance the educational opportunities of all children, regardless of their backgrounds and their special learning needs. Every child, whether challenged, bilingual, or in need of alternative education, must receive the education necessary to be a contributing member of society. What follows is a review of Texas legislative efforts to enhance the K-12 curriculum so that it meets the educational requirements of these special student populations.

Gifted and Talented Education

The exceptional abilities of some students require a different approach to make sure their educational needs are met. Gifted and talented education programs seek to provide these students with a challenging, appropriate curriculum. In 1979, House Bill 1610 established state funding for gifted and talented programs in Texas and charged the Texas Education Agency (TEA) with developing the programs. Funding was established at $150 per eligible student.[9] In 1984, House Bill 72 placed the funding allocation within the school finance equalization formula. The SBOE was given the responsibility for establishing rules and criteria for the program.[10] In 1985, House Bill 1393 transferred responsibility for developing gifted and talented programs from the TEA to local school districts. Districts were authorized to establish programs on their own or in cooperation with other school districts. With the passage of House Bill 1050 in 1987, gifted and talented programs became mandatory and

were intended to serve 5 percent of the students in each grade level by the 1990-91 school year. Districts retained the option of developing programs in cooperation with other districts.[11]

A state plan and guidelines for educating gifted and talented students, adopted by the SBOE in 1990, established long-range statewide goals and outlined the responsibilities of the agencies charged with program development.[12] Seven program elements are included: planning, student identification, program organization, staff development, curriculum, parental and community involvement, and evaluation. To qualify for the program, students must have recommendations from teachers and excellent grades. Although not required, students may also go through an interview and take a battery of tests, including standardized tests, general ability tests, and creativity tests. Texas public schools served 255,347 students in gifted and talented programs during the 1991-92 school year.

Special Education

The roots of special education reforms in Texas extend back to the passage of Senate Bill 230, the Comprehensive Special Education Act, in 1969. The act grew out of a perceived need to provide educational services in a "coordinated and integrated manner" for children with handicaps. Between 1969 and 1991, the percentage of all students in average daily attendance served by special education programs increased from 5.6 percent to 12 percent.[13] During the 1991-92 school year, Texas public schools served 340,919 students in special education programs.

At the federal level, President Gerald Ford in 1975 signed into law one of the nation's most far-reaching laws dealing with special education. The Education for All Handicapped Children Act (Public Law 94-142) requires states receiving federal special education funds to develop proper programs for special education and draw up annual plans for achieving the goal of full educational opportunity. Schools must develop an Individual Education Plan for each special education student between the ages of 3 and 21 and place every student in the

"least restrictive environment." Public Law 94-142 carries the assumption that students with disabilities should be integrated with their peers in regular classrooms as much as possible.

Prior to the passage of House Bill 72, Texas distributed special education funds according to the number of special education teachers in each district. Thus, districts with more teachers received more funding. This system was criticized for disproportionately benefiting wealthier districts that could afford to hire more teachers. House Bill 72 replaced this method with a system of student-based weights or upward adjustments in the amount of money districts are allocated (from state and local funds) to provide special education. The current system of weights makes funding dependent on the types of services students receive. For example, speech therapy receives the highest weight per full-time equivalent (FTE) student, while a less costly arrangement such as instruction for vocational adjustment classes has a lower weight.[14] At the time the law was passed, legislators felt this arrangement more accurately reflected the costs of providing a wide range of education services and they approved a funding system that would not disadvantage less wealthy districts.

Since 1984, lawmakers have adjusted the funding weights. In 1989, legislators amended the law with Senate Bill 1019 to include an add-on weight of 0.25 for special education students who are mainstreamed (or integrated) into the regular classroom. The bill also reduced the weight for speech therapy to 7.11 from 10 and gave heavier weights to more costly services such as the education of homebound students, which usually requires a resource-intensive student-teacher ratio of 1:1.

Other arrangements for special education services include separate campuses for students with specific disabilities, such as the Texas School for the Deaf; separate programs within the regular schools; special classes that draw students with disabilities from multiple districts; vocational classes designed to help students make the transition to work; and resource room activities, which typically involve giving students extra assistance or

supplementary materials. Each arrangement carries a different funding weight specified by law.

Restrictive arrangements carrying larger weights and greater monetary allocations were criticized for potentially undermining the "least restrictive environment" mandate of Public Law 94-142.[15] In 1989, state lawmakers responded to this criticism with a provision in Senate Bill 1019 granting districts a one-time payment of $2,500 for every student moved from totally self-contained to partially contained instructional settings. Districts were required to use the money to facilitate the students' transition to less restrictive settings.[16] To make sure districts adhered to the least restrictive mandate, Senate Bill 1019 also required TEA to review for "appropriateness of placement" districts whose percentage of students taught in totally self-contained classrooms is 25 percent higher than the statewide average.[17]

To ensure that students needing special education services are promptly assessed for special education services, House Bill 1894 (1987) required districts to assess a student within 60 calendar days after "school personnel, the child's parents or legal guardian, or other appropriate individual, group or organization" refer the student to the district.

As an accountability measure, Senate Bill 417 (1989) mandated a study to find out whether the state's special education programs were adequately preparing students to be productively engaged in society. In March 1991, the State Board of Education released results of the study, entitled *The Effectiveness of Special Education in Developing Life Skills of Students*. The study reported that during the 1989-90 school year, 3,698 special education students dropped out of high school compared to 15,380 who graduated from high school. Of those who graduated, between one-fifth and one-third were neither working nor pursuing further education and training.[18] "There is clearly a need to improve the effectiveness of special education for all students with any disability," the report concluded. It recommended attention to "issues of specialized vocational training, coordination with outside agencies [that serve people with disabilities], parent involvement, dropout prevention and gender."[19]

Bilingual Education

The statutes which establish modern-day bilingual programs in the United States were first enacted at the federal level in the Bilingual Education Act of 1968.[20] In 1973, Texas initiated its own bilingual education program on an optional basis among school districts. At that time, a state allotment of $25 per limited English proficient (LEP) child was given to each district with a bilingual program.[21] School districts were mandated to provide bilingual education programs with the passage of Senate Bill 477 in 1981. This legislation also established a certification program for bilingual teachers.[22]

In 1984, House Bill 72 changed the funding policy for bilingual education programs.[23] In the current system, a formula adjustment for each bilingual and LEP student was provided through the foundation program. The legislation also extended bilingual programs for low-income, LEP students. Texas public schools served approximately 361,000 LEP students in the 1991-92 school year.[24]

Two general types of bilingual education programs exist in Texas public schools. The first is English as a Second Language (ESL), which requires students to receive core curriculum instruction in English along with regular students and to take one class period of English language instruction with other ESL students. The other major program type is a "transitional" program in which students are taught core courses, such as math and science, in their native language until they learn enough English to succeed in the regular curriculum.[25]

Education policymakers currently treat dual-language programs as one more curriculum element to prepare Texas students for a globally competitive labor force. Many bilingual educators believe that education should not eliminate a language "deficiency," but, rather, should build upon linguistic diversity as part of a student's overall education.[26]

Compensatory Education

Compensatory education describes the special programs, classes, and services provided

to students who are not achieving academically at a level equal with their peers. These students may be defined as "at-risk"—at risk of dropping out of school, or more generally at risk of not receiving an adequate education to make them productive citizens.

Federal Chapter 1 funds and state compensatory education allotments fund supplementary programs and services that make up compensatory education. Chapter 1 serves roughly one of every nine schoolchildren, but it does not cover the full costs associated with serving eligible students. The Texas compensatory education program, initiated two decades ago, was intended to serve poor children who suffered an academic disadvantage. Over the years, the size and scope of the program have grown. Texas spent $710 million (state and local funding) for compensatory education in 1991-92 and served about 1.4 million students. The funding amount is expected to increase as the number of eligible students (defined by eligibility for the federal free and reduced-price lunch program) in Texas increases.

State law requires districts to use compensatory education funds for improvement or enhancement of the regular education program. Law also requires those districts with a dropout rate higher than the state average to dedicate a percentage of their compensatory allotment to programs for dropout recovery. Districts are required to offer certain remediation programs for students who score poorly on state assessments; however, districts may exercise considerable latitude in the programmatic approaches they take toward providing remediation and compensatory education for at-risk students.[27]

Vocational Education

One of the goals set forth in Texas public education policy is to provide students with the skills necessary to become integral participants in the Texas labor force. As outlined in the Master Plan for Vocational Education mandated by House Bill 72, public schools must bridge the gap between academic education and preparation for the labor market. [28]

Vocational education in Texas public schools includes subjects such as agricultural science, career investigation, health occupations, industrial technology, marketing, office occupations, and home economics. TEA oversees the state's vocational education programs,

while vocational education funding and policy is generated at the federal, state, and local levels. Vocational education funding, similar to special education funding, is distributed among school districts through a system of supplemental funding based upon weights. A vocational education FTE student generates a total weight of 1.37 for a school district.[29] The total amount of federal, state, and local dollars spent by school districts in the 1990-91 school year on vocational education was $362 million.[30] In the 1990-91 school year, districts reported serving 96,580 FTE vocational education students.[31]

In order to achieve the goal of an adequately prepared labor force, House Bill 72 included provisions for vocational education pilot projects. The Report of the Select Committee on Higher Education recommended that businesses and school districts build partnerships to coordinate regional planning of vocational programs. In response, a cooperative effort among TEA, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce led to the establishment of Quality Work Force Planning Committees in each of the state's 24 planning regions. These committees of local business and school leaders continue to coordinate the vocational education programs of schools in each region with employer needs for labor force skills.[32] Federal funding for these vocational education pilot programs is provided through the Job Training Partnership Act and the Carl D. Perkins Vocational Education Act.

ENSURE ALL STUDENTS MASTER THE CURRICULUM

A curriculum, no matter how well designed, may fail to enhance student learning if there is no check to determine how well students are learning the materials or whether the curriculum is being taught.

Student Assessment

In 1980, the Texas public schools began administering the Texas Assessment of Basic Skills (TABS), a minimum competency test designed to assess students in grades 5 and 9

with criterion-referenced tests in reading, writing, and mathematics. This was the first of a series of tests developed to help educators and policymakers understand how well Texas students were mastering the curriculum.

Legislation in 1983 (House Bill 723) permitted school districts to require high school graduates to pass a competency test. In 1984, the legislature moved testing a step further in the passage of House Bill 72 by directing TEA to create criterion-referenced tests to assess minimum competencies at grades 1, 3, 5, 7, 9, and 11. Beginning in the 1985-86 school year, Texas schools administered the Texas Educational Assessment of Minimum Skills (TEAMS). In October 1985, the TEAMS exit-level test was given for the first time to 11th graders. Passing this test was a requirement for high school graduation. By 1987, TEAMS was administered to all grades, and a Spanish-language version was provided for 3rd grade. In 1989, the Texas Legislature eliminated the requirement for the 1st-grade TEAMS and added a written composition requirement to the high school exit exam (Senate Bill 40).

Although TEAMS was considered an improvement over TABS,[33] education policymakers were concerned that the test was still a minimum competency test. In order to ensure that schools taught the more advanced skills, educational leaders concluded that these skills also would have to be assessed. As a result, the Texas Assessment of Academic Skills (TAAS), a more challenging test, was created in 1989. Texas administered it for the first time to grades 3, 5, 7, 9, and 11 in 1990.

During the 1990-91 school year, Texas school districts administered the TAAS in reading, writing, and math. Since that time, both the time of year the test is taken and the grades at which it is given have been subject to change. The 1992-93 school year is another transitional year for these changes. In fall 1992, TAAS was administered to the 3rd and 7th grades and prior to high school graduation (the exit level). In spring 1993, the TAAS will be taken by students in grades 4 and 8 and at the exit level. Effective 1993-94, the exit-level exam will be administered each fall and spring, while the 4th- and 8th-grade TAAS will be

administered only in the spring. Students must pass the exit-level TAAS (i.e., score 70 percent or better on all parts) before they receive their high school diploma. A student may retake any failed parts of the exit-level TAAS as many as four times in order to attain passing grades. In October 1992, 53 percent of 11th graders who took the exam passed all tests taken.[34]

In 1989, Senate Bill 417 required that the statewide testing program assess student understanding of science and social studies by the 1994-95 school year, measure students' problem-solving abilities, and serve as a basis to compare Texas' standing nationally in each subject area. The TEA is developing science and social studies assessments to be included in the TAAS testing program. These criterion-referenced tests will be keyed to the Texas curriculum elements, and all TAAS subtests will include questions that probe for higher-order skills. The state satisfied the requirement for national norm-referenced results in April 1992 when the Norm-Referenced Assessment Program for Texas (NAPT) was administered for the first time in language, reading, math, social studies, and science to students in grades 3 through 11. The NAPT is a version of the Iowa Test of Basic Skills, a commercial test used in many states; hence, the NAPT was not specifically designed to assess knowledge of the curriculum that is unique to Texas.

After the TAAS and the NAPT were operational, the commissioner of education signaled concern at what he believed was an excessive amount of students' time used in taking standardized tests.[35] As a result, he proposed to scale back the required examinations. Beginning in fall 1993, Texas students will be required to take only the reading and math sections of the NAPT. The commissioner has recommended that the norm-referenced test be phased out and only TAAS at grades 4, 8, and 10 will be required.[36]

In the late 1980s, state legislators were concerned that students leaving Texas high schools were not prepared for college. Texas colleges and universities found that one in every three entering freshmen was deficient in reading, writing, or math, according to a study

by the Texas Higher Education Coordinating Board.[37] These findings prompted the Texas Legislature to pass House Bill 2182 (1987) which requires that students attending public colleges in Texas pass the Texas Academic Skills Program (TASP). The TASP, first administered in 1989, is now used for college-level advising, placement, and remediation purposes. All students in Texas public colleges and universities must take and pass all sections of the TASP before enrolling in upper-division courses. Students failing one or more sections must enroll in special remedial courses until they pass all sections.

Although well intentioned, the frequent changes during the 1980s in the statewide skills tests administered to Texas public school students (see Table 3) have limited the state's ability to compare test results over the past decade. Indeed, the frequency and form of testing students in Texas continues to be debated. Of particular interest is finding a compromise between the yearly testing recommended for accountability purposes and the desire to use performance tests and portfolios for assessment.[38]

Table 3.

Texas Tests of Student Skills

TABS	1980-1984
TEAMS	1985-1990
TASP	1989-present
TAAS	1990-present
NAPT	1992-present

No Pass/No Play

In the early 1980s, Texans believed that many of the state's public schools set lax academic requirements to allow students to participate in extracurricular activities without necessarily making satisfactory progress toward a diploma.[39] When such a student's eligibility to participate in sports or other extracurricular activities ended after four years, the

student might be unqualified to graduate and had little incentive to complete high school. Thus, the Texas Legislature passed a requirement in 1984 that a student must pass all courses (grades must be 70 or better in all classes) in order to participate in a school-sponsored sport or club. This requirement, called the no pass/no play rule, sought to ensure that academics come first in high school. House Bill 1731 (1986) permitted some exceptions for special education students.

The no pass/no play rule continues to be debated. At issue is the role of extracurricular activities in Texas public schools. One view is that the purpose of school is the formal pursuit of academic knowledge. In this view, policies that permit high academic achievement to be superceded or placed in a subordinate role are contrary to the central mission of schools. An alternative view is that school should provide experiences that enhance the total development of students. Many Texas educators believe that extracurricular activities are the magnets that keep students in who might otherwise drop out in school. Some research has shown that students who participate in extracurricular activities are more successful academically than those who do not.[40] In other words, there may be an important synergy between extracurricular participation and academic achievement.

Implementation of the no pass/no play rule has produced mixed results. In general, public school students and staff express positive attitudes toward the rule, citing it as a positive motivation toward improved performance in schoolwork. Of concern, however, is the perception that the reform has differing impacts on at-risk and regular students. An additional concern is the potential connection between the no pass/no play rule and gang recruitment. Students, it has been argued, may be more vulnerable to gang influences when they are suspended from extracurricular activities.[41]

Promotion and Retention

Until 1984, all Texas school districts had their own policies and guidelines to make decisions on student promotion and retention. But many educators perceived that these

policies and guidelines were not uniform throughout the state. Furthermore, enforcement of existing policies varied from district to district.[42] Some districts practiced social promotion on the assumption that continued progress through school reduced the dropout rate. Some school districts encouraged retention in grade for students who did not master the material on the grounds that this, too, would discourage dropouts. Research evidence on the topic was ambiguous, and Texas legislators took the approach that inconsistencies should be reduced.

To reduce variations in promotion and retention policies, House Bill 72 introduced exit-level exams, mandatory attendance requirements for promotion, a 70-percent passing standard, the barring of social promotion, and the requirement for remedial assistance to students who fail basic skills exams. New legislation has further strengthened the reform tenets of House Bill 72. In 1989, the Texas Legislature passed Senate Bill 1112 requiring that students attend at least 80 days of a semester in order to receive course credit. That same year, Senate Bill 417 expanded the definition of students who qualify for remedial education to include those identified as being at risk of dropping out. House Bill 1314, passed in 1991, strengthened the restraint on social promotions by providing criteria that a district must consider before promoting any student who does not meet the 70-percent passing standard. School districts were offered a number of alternatives to holding a student back, such as an extended school day or year for the student, tutoring or mentoring to help the student catch up, or summer school for review and preparation before advancing to the next grade level.

Remediation and Tutoring

Students who fall behind academically often need extra help to get back on track. Schools assist these students through tutoring or remediation in the compensatory education program. Remediation programs may include after-school tutoring, tutoring during school, and summer school. Students are currently eligible for remediation and tutoring if they are identified by legislative standards as at risk of dropping out, or when they fail portions of the TAAS test. In addition, under Senate Bill 417 (1989) the Texas Legislature mandated a pilot

program providing remedial assistance for 1st through 3rd graders who are academically behind their respective peers.[43] In spite of the increased efforts to provide remediation and tutoring, however, about 22 percent of the students who began seventh grade in 1987 dropped out of school by fall 1992.[44] Dropouts continue to present a serious problem for Texas public schools.

KEEP STUDENTS IN SCHOOL AND LEARNING

Public school systems in Texas have failed to connect with many children who see neither the importance of an education nor the value of staying in school. In 1990-91, Texas schools reported losing 53,965 students in grades 7 to 12; this represents an annual statewide dropout rate of 3.9 percent and an estimated 21.4 percent longitudinal rate.[45]

In July 1992, the State Board of Education Task Force on High School Education issued its report following an extensive review of high school education in Texas. The Task Force found that Texas students were poorly prepared to pursue a rigorous course of high school studies and that large numbers (especially minority students) enroll in watered-down courses that fail to prepare them for exit-level tests needed for graduation. In addition, the achievement test performance of college-bound graduates was found to be unacceptably low. The Task Force also uncovered alarming trends concerning the health and safety of high school students.

The final report calls for change and improvement that will create communities of learning in every high school. Recommendations are directed at the Texas Legislature, state agencies, higher education institutions, regional education service centers, districts, and campuses. Taken together, they emphasize high standards, improved performance, and supportive communities for adolescents and young adults.[46]

A 1989 report presented to the 71st Texas Legislature by the Joint Special Interim Committee on High School Dropouts unveiled the results of a statewide investigation of the

dropout problem. According to the Interim Committee, in 1987 one statewide class of students dropping out over the four years between the 9th and 12th grades costs Texas over $17 billion annually in lost tax revenues plus increased expenditures for welfare, adult basic training and job skills training, unemployment insurance, and remedial education. In addition, the report suggested that dropouts have a substantial impact on the Texas criminal justice system, since nearly 90 percent of Texas inmates are high school dropouts.[47] Subsequent research in Texas and other states has identified factors contributing to a student's risk of dropping out. These factors include teen-age pregnancy, financial problems, substance abuse, limited English proficiency, boredom with school, dysfunctional family relationships, and a weak support base at home for academic achievement.[48]

The legislative foundation for current efforts to reduce the dropout rate was enacted in 1984. House Bill 72 called for the State Board of Education and TEA to design a program that would reduce the rate at which students leave the public school system before completing high school. In 1987, House Bill 1010 turned this provision into a mandate for TEA to develop a dropout reduction program. The agency was required to develop a statewide dropout information clearinghouse to collect information on dropout programs and services and on prevention and recovery strategies for students most likely to drop out. This data service collects information on each dropout's age, sex, ethnicity, socioeconomic status, and highest grade completed and disseminates this information to local providers of dropout programs and services. At the local level, districts also have designed a wide variety of programs to identify and serve current and potential dropouts.

Dropout Reduction Plan

Acting on the recommendations of the Joint Special Interim Committee on High School Dropouts, the Texas Legislature passed Senate Bill 152 (1989) requiring school districts and the state to establish an annual dropout reduction plan. If a district's dropout rate exceeds the state's dropout reduction goal set for that year, the district is required to use

a percentage of its compensatory education money to support programs for students who are at risk of dropping out of school.

Senate Bill 152 also required each district to designate an at-risk coordinator to collect and disseminate data, coordinate programs, and identify at-risk populations. Included in these populations are students who have a history of delinquency or drug abuse; are limited English proficient; require remedial instruction; have a history of sexual, psychological, or physical abuse; are pregnant; and/or have been identified as slow learners. Every district's at-risk coordinator has access to all state agency and education service center training programs and is responsible for the preparation of that district's board-approved dropout reduction plan. A district with fewer than five percent of its students at risk is exempt from these requirements unless the district had 100 or more students drop out of school in the preceding school year.[49]

Determining the exact number of high school dropouts in the early 1980s was an almost impossible task, however, because the state had no uniform definition of a dropout and no student information system. By the end of the decade, Texas had implemented a data collection and reporting system that would permit analysts to compute dropout rates. In 1991, the Texas Legislature adopted the following definition:

> A student shall be reported as a dropout for a school year if the individual is absent for a period of 30 or more consecutive school days: (1) without approved excuse or documented transfer from the public secondary school (grades 7-12) in which he or she enrolled, or (2) if he or she fails to reenroll during the first 30 consecutive school days in the following semester or school year without completion of a high school program. Documentation for approved excuses or transfers will be under standards set by the commissioner of education.[50]

While the establishment of a dropout reduction plan and the adoption of the uniform statewide definition of a dropout were primarily administrative measures for reducing the dropout population, other legislative reforms directly addressed the factors that put students at risk. These included the expansion of the Communities in Schools program (Senate Bill 614

in 1989 and Senate Bill 367 in 1991), driver's license restriction for high school dropouts (House Bill 850), the establishment of programs for pregnant or parenting students (Senate Bill 151), extension of prekindergarten programs for three-year-olds (Senate Bill 1), and establishment of an innovative education grant program that would be targeted to schools with high concentrations of at-risk students (House Bill 2195 in 1989).

Dropout Reduction Programs in the High Schools

Senate Bill 417 (1989) contained teen parent program funding and a pilot program to prepare at-risk students to take the high school equivalency exam (the General Educational Development (GED) test). In 1991 the GED provisions were amended to require that only those school districts ranking in the top 25 percent of all districts in dropout rates and having at least 20 dropouts annually must provide GED preparatory classes for students at risk of dropping out (House Bill 2885).

Driver's License Restriction

In an attempt to discourage students from leaving high school, Texas in 1989 made the issuance of a driver's license to persons under age 18 contingent upon school attendance and graduation. Under House Bill 850, a person less than 18 years of age shall not be issued an instructional permit, a motorcycle license, a Class C driver's license, or a provisional license unless that person has obtained a high school diploma or its equivalent. If the student has not already obtained a diploma or its equivalent, the individual must be currently enrolled in either a high school program for at least 80 days or an equivalency exam program for 45 days in the fall or spring semester preceding the license application date.

Pregnant and Parenting Programs

The report of the Joint Special Interim Committee on High School Dropouts in 1989 concluded that pregnancy and marriage were among the most common reasons students drop out of school.[51] Teen parents may need to leave school not only due to their new parental responsibilities, but for economic reasons as well.

In response to the concern for teen parent dropouts and their children, the 71st Legislature passed legislation (House Bill 1292) to initiate dropout reduction programs for these students. In addition, Senate Bill 151 provided funding for pilot programs to discourage pregnant and parenting teens from leaving school without obtaining a degree. These programs enabled students to stay in school by providing services such as child care, health and nutrition counseling, transportation, parent education, and pre-employment services. The pilot programs provide flexibility to accommodate schedules of working parents. The contributions and participation of local community organizations and other state agencies supplement state and local support for these services.[52] During the 1990-91 school year, 51 pilot project sites operated across the state. These sites served approximately 5,000 student parents and more than 3,600 of their infant and toddler children.[53]

Dropout Reduction Programs in the Middle Schools

Junior high and middle school students are at a critical period with respect to dropout prevention. The largest number of dropouts at one grade level occurs in the 9th grade (or during the summer between 8th and 9th grades) when students typically change schools and are entering new and unfamiliar situations. In Texas, about 32 percent of all reported dropouts in the 1990-91 school year were in the 9th grade; of these, 87 percent were overage for their grade.[54]

Texas Task Force on Middle School Education

In 1989, the Carnegie Council on Adolescent Development published a report, *Turning Points: Preparing American Youth for the 21st Century*. This was a major study focusing on Americans age 10 to 15 years. The report unequivocally concluded that adolescents can and want to learn. It is necessary, however, to design the school around the students and not the other way around, as is the common practice.[55]

The report makes several recommendations relevant to Texas. Since young people often feel lonely and intimidated, *Turning Points* recommends making middle schools more

intimate by creating smaller class groupings or schools within schools. The report encourages peer tutoring and group learning as a way to tap into adolescents' preoccupation with social relationships. Schools should fill the vacuum of adult guidance by making sure every student has an adult adviser who will take the time to talk with him or her. Mentoring and tutoring programs as well as policies specially designed for the middle school grades can lessen the likelihood of these students dropping out. Adolescents also need health education and guidance from medical practitioners as they undergo rapid physical and psychological changes. Teachers and administrators in middle school also need help to succeed. The report recommends organizing teachers into interdisciplinary teams that coordinate lessons to meet students' needs. Teachers need more planning periods and training to make the teams work well.

In an effort to promote the middle school reforms it advocated, the Carnegie Council gave grants to 27 states, including Texas, to explore ways to promote implementation of the recommendations found in *Turning Points*. In 1991, the Texas Task Force on Middle School Education released its report, entitled *Spotlight on the Middle*.[56] This report merges the recommendations in *Turning Points* with the nine goals found in *Quality, Equity, Accountability: Texas State Board of Education Long-Range Plan for Public Education, 1991-1995*.[57] These resulting recommendations from the task force are as follows:

> *Student Learning*: Students should learn within heterogeneous groups that reflect the diversity of the campus at large. Teachers should form interdisciplinary teams to coordinate lessons.
>
> *Curriculum and Programs*: Teachers could plan their lessons around common themes and find ways to actively involve their pupils in the learning process. This would help develop higher-order thinking skills.
>
> *Personnel*: Texas should provide greater flexibility in certifying teachers for middle school grade levels as well as increased in-service training in teaching adolescents.
>
> *Organization and Management*: The state should provide greater campus autonomy and a funding system that provides incentives to school districts to restructure their schools around the needs of students.

Finance: Schools should reorganize to better serve young adolescents. This reorganization requires an initial investment in restructuring and mobilizing existing resources.

Parent Responsibility: Although adolescents desire to become more independent, adult guidance is critical during the middle school years. Efforts to involve parents in their children's education should be encouraged.

Community and Business Partnerships: Communitywide resources should be deployed in serving students. Such resources include social service agencies that provide health care, businesses, and grass roots community groups.

Research, Development and Evaluation: Successful implementation of middle school reforms requires accurate assessments of progress. Tools should be developed to guide administrators and teachers in carrying out reforms and innovations.

Communications: A free flow of ideas and innovation is integral to successful school reform. Campuses should establish a network to share their experiences.

The Texas task force report called for recommendations rather than mandates. The task force advises legislators to create the conditions that would allow campuses to innovate, learn from each other, and adapt to the specific needs of the communities they serve.

Communities in Schools (CIS)

Communities in Schools (CIS) is funded with state compensatory education dollars. It was designed to coordinate available resources to meet the social service needs of students at risk of dropping out of school or of engaging in delinquent conduct. The CIS program aims to build a partnership between local governments, corporations, and volunteer organizations to provide counseling, health care, drug rehabilitation, and job counseling to at-risk students. Hundreds of CIS volunteers across the state give their time each week to develop one-on-one relationships with at-risk students.

Although the CIS program began in secondary schools in 1989 (Senate Bill 367), that same year the state coordinator of the program was authorized to expand participation by an additional 18 high schools and 18 junior high and middle schools in counties where CIS

already existed. In 1991, four more counties adopted the program in their elementary schools. As of August 1992, the CIS program was serving 123 elementary and secondary schools. The Texas Legislature's decision to direct compensatory education funds to CIS in Senate Bill 367 (1989) and Senate Bill 614 (1991) reflects the state government's willingness to address some education problems through the provision of social services to public school students.

Dropout Reduction Programs in the Elementary Schools

Factors contributing to dropping out of school are often present as early as the elementary grades. These include dysfunctional family relationships, boredom with school, a weak support base at home for academic achievement, and limited English proficiency. Some legislative efforts have been directed to the elementary schools to diminish the impact of these contributing factors when students are still young and when intervention is most likely to be successful. For example, Senate Bill 417 (1989) called for intensive remedial programs for 1st through 4th grades, early childhood intervention programs, and expansion of the prekindergarten program.

National research has demonstrated that prekindergarten programs prepare disadvantaged children for the rigors not only of the elementary years, but of later school years as well. The federally funded Head Start programs established in the 1960s proved to be successful in boosting the academic performance of economically disadvantaged students in the early years. Head Start is also believed to contribute to reducing the number of adolescent dropouts.[58] Without early childhood programs, disadvantaged elementary-age students might be two to three years behind their peers due to limited English proficiency, limited exposure to reading, and/or low socioeconomic status.

House Bill 72 gave Texas school districts the option of receiving matching funds to start full-day kindergarten, half-day prekindergarten, and half-day summer programs for bilingual prekindergarten students. Texas law now requires school districts to offer

prekindergarten programs if the district has 15 or more eligible students. Eligibility is determined by age, limited English-speaking ability, and low-income status. During the 1990-91 school year, school districts served 69,416 students in prekindergarten programs. Total funding for these programs was approximately $55 million.[59] The 71st Legislature, with the passage of Senate Bill 1 and Senate Bill 246, provided opportunity for districts to start programs at their discretion for three-year-olds.[60] As of 1991, 202 school districts had opted to provide prekindergarten programs to three-year-olds.

Several logistical factors, including difficulties in providing transportation and day care for children in half-day programs, may prevent many parents from having their children participate in prekindergarten programs. In some areas of the state, the increasing need for parents to work has led school districts to offer both day care and prekindergarten programs.

Chapter 3. Teacher Reforms

If you plan for a year, plant a seed. If for ten years, plant a tree. If for a hundred years, teach the people. Where you sow a seed once, you will reap a single harvest. When you teach the people, you will reap a hundred harvests.

-Kuan Chung, 1970

Growing national anxiety over the quality of American education has focused major educational and political attention on the issue of teacher quality. In Texas, reformers realize that schools cannot be improved without the cooperation and participation of those persons who have the most direct impact on students—the teachers whose daily contact with their pupils can have a lasting effect on student learning. Reforms of the teaching profession have attempted to

- improve the quality of new teachers;
- attract and retain good teachers; and
- improve the quality of incumbent teachers.

IMPROVE THE QUALITY OF NEW TEACHERS

Reforms addressing the quality of new teachers have centered on improving their ability to deliver the essential elements of the curriculum. Candidates for teacher certification in Texas are required to have a subject matter college major rather than an education major. Beginning teachers are expected to develop their teaching skills through an induction program that, among other things, assigns a mentor teacher to each new teacher. Teachers must pass tests to make sure they are properly qualified in terms of knowledge and competency.

Change in College Major Requirements for Teacher Certification

National teacher reform efforts began in the early 1980s when reports such as *A Nation at Risk* (1983) raised public concerns about teachers with poor basic skills and insufficient knowledge of subject matter. This report contended that many teachers graduated

from high school and college in the bottom quarter of their classes. It criticized teacher education programs for requiring too many education courses at the expense of academic courses in the subjects to be taught.[61] The Carnegie Forum on Education and the Economy's 1986 report, A *Nation Prepared: Teachers for the 21st Century*, pointed out that SAT scores of seniors planning to major in education were far below those of other college-bound seniors. There was a perception that majoring in education was not as academically rigorous as majoring in an academic subject. *A Nation Prepared* concluded that "undergraduate years should be wholly devoted to a broad, liberal education and a thorough grounding in the subjects to be taught."[62]

The Texas Legislature shared these concerns and responded by changing the college course requirements for persons seeking teacher certification. Under Senate Bill 994 (1987), by September 1, 1991, a prospective secondary school teacher now must have a bachelor's degree with a major in an academic subject, while a prospective primary teacher must have a bachelor's degree in interdisciplinary studies. The SBOE was constrained under this law from requiring more than 18 semester credit hours of education courses (at the baccalaureate level) for a teaching certificate. Additional credit hours in education courses, however, are required for certification in bilingual education, English as a second language, early childhood education, and special education. This change shifted the emphasis in teacher certification programs from methodology courses to subject matter courses.

Teacher Induction Program

Senate Bill 994 (1987) also sought to improve teaching skills and retain good teachers by creating the Teacher Induction Program. According to TEA, the state loses 30 percent of beginning teachers after the first year and 50 percent after the fifth year.[63] To slow the rate of attrition, the proposed program directs schools to assign a mentor teacher to all beginning teachers during their first year.[64] As part of the induction program, all beginning teachers also participate in district orientation activities. Although $4.2 million was the estimated cost for the teacher induction program in 1991-92, the money was not appropriated by the Texas

Legislature, and school districts did not receive stipends for mentor teachers and mentor training. For this reason, the induction program reforms have been unevenly implemented. Although the Teacher Induction Program does not contain the same monetary incentive for teachers to become mentors as does the Alternative Certification Program, some districts supplement the Teacher Induction Program by providing a stipend of several hundred dollars to mentors.

Teacher Testing

Teacher testing was introduced in Texas because it appeared that some teacher education programs were graduating unqualified teachers. Legislators reported receiving phone calls and correspondence from teachers who seemed to be illiterate.[65] The Texas Legislature, following the recommendations of the Select Committee on Public Education, instituted competency testing in basic skills for teacher recertification. The legislature envisioned that the tests would assess knowledge of teaching techniques appropriate for instructing primary or secondary grades as well as a teacher's grasp of the subject areas or specializations that appear on the certificate.[66] Prospective teachers would be required to take a screening test as well as a competency test before they enter a certification program.

House Bill 72 required education professionals certified prior to February 1986 to pass the Texas Examination of Current Administrators and Teachers (TECAT) to renew their certification.[67] The TECAT tested basic reading, writing, and grammar skills. A teacher or administrator had two opportunities to pass the TECAT. About 1,900 teachers failed the TECAT twice and consequently lost their credentials and their jobs in 1986. The Texas Education Agency estimates that 4,000 teachers did not take the TECAT, did not retire, and were not employed the following school year.[68]

House Bill 72 also required teacher candidates certified after February 1986 to pass basic skills tests in reading, writing, and mathematics in order to be admitted into a teacher education program.[69] Starting May 1, 1991, the Texas Academic Skills Program (TASP) test

has been used to measure these competencies in basic skills, replacing the Pre-Professional Skills Test.[70] After completing a teacher education program in Texas or out of state, Texas elementary and secondary school teachers must pass the Examination for Certification of Educators in Texas (ExCET). Using a criterion-referenced approach, the ExCET tests assess how well the teacher knows the subjects. Teachers who are already certified but are seeking certification for a different level or subject area must pass the appropriate ExCET test as well.

In 1989, Senate Bill 417 allowed teachers using an emergency permit to continue teaching even if they did not pass the appropriate professional development ExCET. Emergency permits allow teachers to conduct classes in subjects for which they are not certified. These permits also are used to allow teachers who fail the ExCET to teach for one year after taking the test, during which they must retake and pass the exam to continue teaching.

According to the *ExCET 1990-91 Report*, the ExCET passing rate for first-time test takers was 85.2 percent. Performance in the ExCET mathematics and science tests was lower than for other tests. Seventy percent of Hispanics passed the ExCET tests the first time, 58.8 percent of African-Americans passed their first-time tests, and 89 percent of people in the "Other" category passed their first-time tests. The *ExCET 1990-91 Report* also acknowledges that some universities are not adequately preparing students to become educators, based on their students' low performance on professional development and subject-matter ExCET tests.[71]

ATTRACT AND RETAIN GOOD TEACHERS

During the 1980s, the Texas Legislature created two programs to attract new teachers. The Alternative Certification Program was aimed at attracting mid-career professionals by making the process of obtaining a teaching certificate easier. The Future Teacher Loan Fund was developed to entice more young people to the teaching profession. Both programs were attempts to address the shortage of teachers in math, science, and other critical areas such as

foreign languages, English as a second language, and special education.

Alternative Certification Program

In 1989, Senate Bill 417 created the Alternative Certification Program to provide a continuing source of teachers by attracting well-qualified college graduates, especially minorities and males, to the teaching profession. To qualify for alternative certification, candidates must have a bachelor's degree and an overall minimum grade point average (GPA) of 2.5, as well as a minimum 2.5 GPA in any subjects they wish to teach. They must pass a basic skills examination (TASP) to enter the program, successfully complete a one-year internship, and pass the appropriate ExCET tests for the subjects they want to teach. They need not take the professional development ExCET tests. Since 1985, alternative certification interns have had passing rates on the ExCET tests that are equal to or better than those of graduates of traditional teacher education programs.[72]

Participants in the Alternative Certification Program are paid salaries equivalent to first-year teachers during their intern year. These interns teach in their own classrooms for a year, during which time they also attend classes on teaching methods, curriculum planning, legal and ethical aspects of teaching, and classroom management. They work with and are evaluated by certified, experienced teachers who serve as mentors. Mentors observe interns' teaching and offer suggestions, while interns observe mentors in the classroom to study teaching techniques. These mentors, unlike those in the Teacher Induction Program, are paid stipends of at least $300.

Currently the state has 26 alternative teacher certification programs offered through colleges and universities, education service centers, and school districts.[73] In 1991-92, the number of participating school districts was 266.[74] Approximately 50 percent of alternative certification program interns are minorities and 34 percent are male, whereas in 1991 only 17 percent of Texas public school teachers were Hispanic and 4 percent were African American.[75]

Future Teacher Loan Fund

A second program enacted to attract teachers was the Future Teacher Loan Fund. Created in 1984 by House Bill 72, the fund was repealed five years later.[76] While in place, the Future Teacher Loan Fund enabled college students seeking to become teachers to receive loans if they were Texas residents and participants in an approved teacher education program. Students needed to earn a minimum college GPA of 3.0 and demonstrate a commitment to teach in a critical-need subject at the primary or secondary level. The borrower also needed to demonstrate financial need to be eligible for the loan. If the borrower subsequently taught in a Texas public school for two years in a critical-need subject such as math or science, half of the loan amount was forgiven. After four years of teaching, the entire loan was forgiven.[77]

Teacher Recruitment Program and Minority Recruitment Program

In 1987, Senate Bill 994 established a Teacher Recruitment Program that mandated TEA to develop multimedia presentations for Texas high schools, colleges, and universities in order to attract more people to the teaching profession.[78] In 1990, Texas established under Senate Bill 1 a Minority Recruitment Program to persuade more minorities to become teachers by including such incentives as a tuition and grant assistance program and a scholarship program. The bill also suggested that school districts cooperate with colleges and universities to develop recruitment seminars, job fairs, and mentor programs. Finally, it encouraged cooperation among public schools to conduct career exploration of the education profession.[79]

IMPROVE THE QUALITY OF INCUMBENT TEACHERS

The issue of how to attract and retain good teachers, as well as the issue of improving the quality of existing teachers, cannot be separated from the issues of adequate pay and professional recognition. In Texas, the two major reforms addressing teacher pay and recognition have been the career ladder and the Texas Teacher Appraisal System (TTAS), both of which were established under House Bill 72.

Pay and Recognition: Teacher Career Ladder

The career ladder is a merit pay system designed to attract, reward, and retain superior teachers. It also seeks to encourage teachers to continue their professional development throughout their careers. There are four levels built into the career ladder; however, only Levels One, Two, and Three have been implemented as of 1992-93. All full-time teachers (i.e., those who provide instructional services at least four hours a day) are eligible for the career ladder. Certified teachers are automatically on Level One of the ladder. A teacher must meet three criteria to advance to Level Two: the teacher must have a bachelor's degree and three years of teaching experience, or a master's degree and two years of teaching experience; performance appraisal ratings which have "exceeded expectations" during the years of required experience; and nine additional semester hours of higher education coursework in addition to a bachelor's degree, the equivalent of 135 hours of advanced academic training, or a master's degree. Level Two teachers are eligible to receive salary supplements of between $1,500 and $2,000. If a Level Two teacher's performance rating falls below "meets expectations," reassignment is made to Level One.

In order to advance to Level Three, a teacher must meet one of the following two criteria: the teacher must have (1) five years of teaching experience at Level Two, high performance appraisals, and an additional six semester hours of higher education coursework or the equivalent of 90 hours of advanced academic training; or (2) three years of teaching experience at Level Two with high performance appraisals, and an additional three semester hours of higher education coursework or 45 hours of advanced academic training. To remain at Level Three, a teacher must "exceed expectations" at least once in the two preceding years. Level Three teachers are eligible to receive annual salary supplements of between $3,000 and $4,000.[80] Interestingly, for 1991-92, school districts reported salary supplements for about 36 percent of the teachers on Levels Two and Three. Nearly 85,000 teachers are not on either career ladder level and do not receive supplements.[81]

Texas Teacher Appraisal System (TTAS)

The TTAS is the uniform teacher evaluation process tied to the career ladder. It was developed to encourage professional growth, improve classroom instruction, and serve as quality control over teaching practices.[82] The TTAS is used in contract renewal decisions, especially for beginning teachers. In fact, teacher failure to be rated satisfactorily on the TTAS during the first two years of teaching results in contract nonrenewal.[83]

TTAS provides the appraiser with a checklist of teaching skills and practices that the appraiser uses to rate teacher performance within the classroom setting. A teacher with provisional status or who is on Level One of the career ladder is observed twice a year. Teachers on Levels Two and Three are observed only once a year. Teacher performance is rated under one of five categories: clearly outstanding, exceeding expectations, meets expectations, below expectations, and unsatisfactory. By law, the appraiser must hold a conference with the teacher to discuss the performance and how the teacher can improve.[84]

The original appraisal system was intended for both administrators and teachers. But in 1987, House Bill 173 required the SBOE to set up a separate appraisal process for administrators based on appropriate performance criteria.[85]

In 1989, House Bill 2566 included the evaluation of teaching methodology in the teacher appraisal process. In an effort to ensure excellence in the teaching profession, the bill emphasized that appraisers should recognize a variety of effective teaching strategies and take innovative teaching styles into account when assessing a teacher.[86]

Staff Development

A frequent complaint among educators is that a teacher's job remains the same for 30 to 40 years. Once Texas teachers go beyond Levels One and Two of the career ladder, the system offers little or no incentive for professional growth. Policymakers have tried to encourage professional staff development; yet, at the same time, in-service time has been

reduced. Because many teachers feel they have so little time to prepare for their classes they often use in-service time to plan and prepare material. Occasionally, in-service days are used at the end of the semester to give teachers time to finish grading or to complete routine housekeeping chores. However, none of these housekeeping and preparation activities are especially consonant with professional growth and development.

In 1987, House Bill 1619 mandated that topics discussed in in-service training must include special education, recognizing signs of abuse or neglect, recognizing dyslexia, strategies for teaching students with dyslexia, discipline management, and teacher appraisal. Senate Bill 417 (1989) added recognizing emotional disturbance in students and strategies for teaching emotionally disturbed students to the list of topics discussed in in-service training, while House Bill 126 (1989) added training in identifying signs of drug or alcohol use. The latter law also encouraged in-service training for all school employees and volunteers regarding HIV infection, transmission, prevention, and relevant federal, state, and local laws. In 1990, under Senate Bill 1, teachers also receive in-service training in the uses of technology, effective teaching practices, and district-level decision making. Regional education service centers, colleges and universities, and teacher centers are expected to deliver this training.

Legislation in 1991 (Senate Bill 351) changed the term "teacher in-service" to "teacher preparation and staff development" and extended the school year by five days without increasing the contract period or pay of teachers. This was done by reducing the number of days for teacher preparation from eight to three, while increasing the number of teaching days from 175 to 180. While increasing instructional time for students, this measure reduced the available time for staff development activities.

Despite the reduced time available within the typical contract year for staff development, Senate Bill 351 requires districts to provide a minimum of 20 hours of staff development training. The training is expected to take place during regular hours of teacher

service rather than on nights and weekends. The law also allows teachers to request that time spent attending conferences, workshops, and other professional training be counted toward the 20 hours of required staff development training.

Chapter 4. Governance and Accountability Reforms

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power.

-Thomas Jefferson, 1820

Texas Legislative reforms in the areas of governance and accountability have focused on the issues of how and by whom schools should be directed and managed. A related concern has been the issue of how to ensure that reforms are working and that tax dollars spent on education are producing improved student performance. Legislative changes in these areas in the past decade have sought to

- decentralize the decision-making process;
- establish statewide goals and standards for schools and students;
- accredit school districts; and
- reward districts and schools that meet or exceed statewide standards.

DECENTRALIZE THE DECISION-MAKING PROCESS

Site-based decision making is defined as "a process for decentralizing decisions to improve the educational outcomes at every school campus through a collaborative effort by which principals, teachers, campus staff, district staff, parents, and community representatives assess educational outcomes of all students, determine goals and strategies, and ensure that strategies are implemented and adjusted to improve student achievement."[87] Its goal is to improve student learning and performance by increasing authority and accountability at the campus level. Site-based decision making is based on a belief that "decisions affecting growth in student learning are best made at the school level because school personnel: (1) are more familiar with student needs; (2) can respond, plan, develop, and implement decisions

faster; (3) can monitor, adopt, and adjust decisions to meet unique needs; and (4) can build a strong base of involvement and support at the local level."[88]

The impetus for formalizing the process of campus decision making in Texas was Senate Bill 1 (1990), which called for the establishment of school improvement committees at the district and campus levels. These committees are to be composed of two-thirds classroom teachers and one-third campus-based staff, nominated and elected as representatives by the professional staff within each district and within each school. House Bill 2885 (1991) specifically called for "site-based decision making" with site-based committees at each school. The commissioner of education has determined that the school improvement committees can serve as site-based committees as long as their composition reflects new requirements in law. Specifically, site-based committees must include parents, business, and community representatives in addition to teachers and school professional staff. The law also formally gives the committees responsibility for "decision making related to goal setting, curriculum, budgeting, staffing patterns, and school organization."[89] The increase in authority at the local level is accompanied by an increase in responsibility and accountability. For example, a principal's evaluation is now to be based partially on the success of his/her campus in setting and accomplishing education goals.[90]

Site-based decision making is one example of a shift away from centralized control. There have been other efforts to reduce the involvement of central authorities in local decision-making processes. According to TEA, the state now has three major functions: "establishing standards for performance, determining district accountability with respect to state standards, and coordinating technical support to assist local districts in their efforts to improve student performance."[91] In addition, to provide regulatory relief, the state now encourages school districts to apply for waivers that will allow schools to bypass some regulations if they can give compelling educational reasons. Senate Bill 351 (1991) provides that "a school campus or district may apply to the commissioner of education for a waiver of a requirement or prohibition imposed by law or rule that the campus or district determines

inhibits student achievement." However, there are limitations to the waiver process. A school campus or district may not receive an exemption or waiver under this section from requirements imposed by federal law. State laws and rules that deal with the essential elements may not be waived. Also, restrictions for health and safety, elementary school class size limits, minimum graduation requirements, programs for at-risk students, prekindergarten programs, employee benefits, special education programs, bilingual programs, and several other programs also are deemed too important to be waived.[92]

The practical effects of the shift away from centralized control are district and campus specific. For example, schools that attain or surpass state academic standards will enjoy greater autonomy, and freedom from regulation through the accreditation process. On the other hand, those districts or campuses that fall short of meeting state standards will be subject to greater state intervention and oversight. As Section 11. 273 of the Texas Education Code states "exemptions or waivers shall provide as much regulatory relief as is practical and reasonable to campuses or districts that are considered high performing." In addition to freedom from regulation, school professionals are expected to benefit from enhanced professional opportunities that come with decision-making authority.

Site-based decision making is in the early stages of implementation. The formation of campus-level site-based decision making councils to implement the districts' site-based plans began in the 1992-93 school year. TEA will monitor the progress of site-based decision making through the accreditation process. It encourages each district and campus to engage in constant self-assessment and to view site-based decision making implementation as an ongoing, dynamic process. The expected outcome of greater local autonomy and accountability is increased student achievement.

ESTABLISH STATEWIDE GOALS AND STANDARDS

In addition to local autonomy and authority, another prerequisite for holding educators accountable for the performance of students is a set of standards by which to measure

performance. Senate Bill 1 (1990) required the SBOE to adopt indicators of the quality of learning on a campus and other performance standards.[93] In response, the SBOE adopted a set of indicators called the Academic Excellence Indicators System.

Academic Excellence Indicators System (AEIS)

The specific indicators currently included in the AEIS are test results, graduation rates, dropout rates, attendance rates, percent of students taking college entrance exams, and percent of students meeting the standard of performance for college entrance. Additional indicators will be included in the AEIS in coming years, particularly indicators for performance at elementary campuses. Students will be required to take the TAAS tests in science and social studies as well as reading, math, and writing. In addition to the percentage of students mastering the TAAS, data will be reported on the percentage of students mastering each objective at the exit level. The percentage of students who have completed state-adopted preparatory programs may become an indicator. A second language proficiency indicator is also being considered. Computer proficiency and end-of-course achievement in Algebra I and Biology I are slated for eventual inclusion in the indicator system. Table 4 displays the indicators used during the 1992-93 school year.

ACCREDIT SCHOOL DISTRICTS

The process of accreditation allows the state to assess and rate school district performance. Criteria in the accreditation rules include consideration of goals and objectives of the district, compliance with statutory rules and requirements of the SBOE, the quality of learning, the appraisals of teachers and administrators, the effectiveness of campus programs (including special education and other special programs) the effectiveness of teacher staff development, the use of technology, the effectiveness of dropout prevention and recovery, and the efficiency of resource allocation. The academic excellence indicators presented in Table 4 are included in the accreditation criteria. This section discusses the system of accreditation and the procedures implemented to shift the accreditation focus to performance accreditation.

Table 4.

Academic Excellence Indicators System (AEIS), 1992-93

AEIS Indicator	Current State Standard
TAAS Test	90% of students passing
Graduation Rates	99%
Student Attendance	97%
Dropout Rate	1% per year or less
Advanced Course Enrollment	No standard set
College Entrance Examinations	70% of all seniors to take test, at least 35% must score over criterion points (1000 SAT, 25 ACT)
College Preparation	Percent of graduating seniors who attain a score on the TAAS equivalent to a passing score on the TASP. No state standard set.
Norm-Referenced Assessment Program for Texas (NAPT)	Report all five subject areas for grades taking test (3-11). No state standard set.
Retention Rates Grades 3-8	Report of students retained. No state standard set.
Advanced Seal on Transcript	No standard set.

Accreditation under House Bill 72

In 1984, House Bill 72 established the requirement that school districts in Texas must be accredited in order to receive state funding. Prior to 1984, district accreditation was voluntary and focused primarily on how faithfully districts complied with state laws and regulations. Accreditation reviews began to shift attention from compliance-based measures, which focused on whether or not schools followed the rules, to performance-based standards, which focused on changes in outcomes such as student achievement. TEA now uses numerous criteria in determining a district's accreditation status, including the goals and objectives of the district, quality of learning based on achievement tests scores, paperwork

reduction efforts, and fulfillment of curriculum requirements.[94]

If districts do not meet accreditation standards, the commissioner of education has the authority to invoke a variety of sanctions against them—the most extreme of these being the absolute revocation of accreditation and the withholding of state funds. Less severe sanctions, however, are applied before revoking accreditation. These sanctions include public notice of deficiencies, opportunities to review and improve practices and policies, the appointment of a monitor to participate in and report to the agency on the activities of the district's board of trustees, the appointment of a master to oversee the operations of the district, appointment of a management team, and, as a last step, annexation or takeover.[95] Although TEA has assigned monitors and masters to a number of districts under this process, only one district has had problems so serious that the commissioner revoked its accreditation.

House Bill 72 stipulated that TEA accreditation reviews be made at least every three years, and more often if investigators find poor performance or deficiencies. Frequent accreditation reviews presented a logistical challenge to the TEA. In practice, accreditation continued to focus attention on compliance issues rather than on student outcomes largely because compliance matters were easier to assess and evaluate.

Changes in Accreditation under Senate Bill 1

Because the accreditation process remained primarily compliance-based, reforms enacted in 1990 (Senate Bill 1) were intended to change the standards used to determine accreditation. The new process of evaluation, to be implemented over a period of years, focuses more on quantitative measures of academic performance.[96] Under Senate Bill 1, accreditation criteria included:

- goals and objectives of the district;
- compliance with statutes and State Board of Education rules;
- adequate performance on the Academic Excellence Indicator System;
- demonstrated relationship between the Academic Excellence Indicator System and

campus performance objectives, including the manner in which the objectives were established and the progress made toward them;

- quality of learning on the district campuses;
- quality of the district's appraisal of teacher and administrator performance;
- effectiveness of the district principals as instructional leaders;
- effectiveness of district campuses as judged under the most current research on effective schools;
- fulfillment of curriculum requirements;
- effectiveness of the district's special education programs based on the TEA's most recent compliance review of the district and programs for special populations;
- effectiveness of teacher in-service training;
- effective use of technology to enhance student achievement;
- effectiveness of the district's remedial and support programs for at-risk students;
- effectiveness of the district's dropout prevention and recovery programs; and
- efficient allocation of available resources.[97]

The accreditation cycle was revised in 1990 to include a visit to the district at least once every six years instead of every three. The frequency of district visits will depend on data collected annually through the Public Education Information Management System (PEIMS) and accreditation ratings, which range from academically unaccredited to exemplary. If a district has a rating of recognized or exemplary, it may be granted an exemption from the six-year review cycle for one or two years.[98]

Senate Bill 1 gives considerable authority to the commissioner of education to determine the disposition of districts that do not meet accreditation standards and receive a rating of academically unaccredited. If no other remedies effect improvement, the commissioner must order unaccredited districts to be annexed or administered by another school district. Alternatively, the commissioner may order the district to be run by the state.

One of the primary functions of the AEIS is to serve as the basis for accreditation review.[99] Under the accreditation procedures adopted by the State Board of Education in 1992, a district's performance on the AEIS is (1) compared to state standards established for each indicator; (2) compared with prior performance to determine progress toward meeting state goals; (3) analyzed to determine whether there is a gap between performance of minority and nonminority students; and (4) analyzed to determine if existing performance gaps are being narrowed.[100]

Review activity is initiated when a district fails to meet two or more criteria. The AEIS identifies the problems first, in contrast to the previous arrangement in which an accreditation team first visited a district in order to identify any problems. Poorly performing districts invite an on-site review team to meet with educators and officials of the district to review the planning and improvement processes. The review is intended to assist the district in its response to its performance problems. The review team will consider the progress the district makes, and only when improvement fails to occur will sanctions be applied.

The first round of assessments in 1992 revealed that new state standards present a formidable challenge. Four hundred and ninety-three school districts failed to meet the state standards and, thus, were eligible for on-site visits. These districts represent roughly 80 percent of all schoolchildren in Texas. TEA plans to conduct 200 on-site visits during the 1992-93 school year.

REWARD DISTRICTS THAT MEET OR EXCEED STATE STANDARDS

An important element of an accountability system is the incentive offered to encourage educational excellence. The Texas Educational Excellence Award System and, later, the Texas Successful School Awards System (TSSAS) were established to recognize and reward schools and school districts that demonstrate progress or success in achieving the educational goals of the state.[101] Individual campuses are identified using data collected at the state level.

Awards and Incentives

The TSSAS, established in 1991 in Senate Bill 2885, offers monetary awards and recognition for both excellence and performance gain. There are two subcategories of excellence—high performance awards and outstanding effort awards. In order to receive a high performance award, schools must meet or exceed the AEIS standards. To receive an outstanding effort award for excellence, performance must be at least 10 percent above the state average on each indicator for each applicable student population.[102]

Under the category of gain there are also two award types—performance gains and recognition of outstanding effort. To receive a cash award for performance gains, a school must exceed the state criteria for each student population. To receive recognition for outstanding effort, a school must exhibit performance in the top 10 percent of each demographic group on overall gain.[103] As specified in law, cash awards may be used only for academic enhancement at the campus level. The definition of academic enhancement is very broad to allow schools the opportunity to determine what would be the most suitable use for the award. The only prohibition is that the money not be used on athletics.

In 1991-92 only ten elementary schools were eligible for high performance awards, while none of the 2,142 middle or high schools were eligible.[104] TEA selected a total of 125 schools for financial awards ranging from $25,000 to $175,000. In addition, 588 campuses were recognized for their efforts in gain or performance, while nine were recognized for high overall performance. A total of $10 million was disbursed in 1991-92, and $20 million is scheduled to be awarded in 1992-93.[105]

Public Education Information Management System (PEIMS)

Following enactment of House Bill 72, TEA developed the Public Education Information Management System (PEIMS). PEIMS is a database created to answer questions about local schools; generate accurate, generic, and comprehensive data; and give educators direct access to information.[106] PEIMS district data have been available for several years. In

1991-92 school and student data permitted TEA to monitor and assess campus performance. A further use of the PEIMS is to consolidate an array of information on organization, finances, staff, and student populations. PEIMS serves an administrative function as well. Its data are used to calculate administrative costs, grants, and entitlements; pre-code TAAS test booklets with demographics and program information; create proposed funding formulas for the legislature; update free and reduced lunch eligibility lists; and produce special reports for the federal government, among other applications.

Although the PEIMS effort is extensive, it does not make obsolete the data collection processes conducted by districts for their own purposes. In order to examine the individual campuses closely during accreditation visits, the on-site review teams still need to review data available only at the campus level. This information is available in the campus performance report.

The introduction of the PEIMS is a significant achievement for Texas. It is one of only a few statewide databases of its kind in the country. The data gathered and used through the PEIMS have allowed educators to better serve the state by helping them understand more about the schools and their communities. PEIMS is intended to eliminate paperwork and give local educators access to their own (and other districts') data, but implementation of this part of the system has proceeded slowly. Paperwork and data reporting remain a major responsibility for school districts.

Chapter 5. School Finance Reforms

The boundaries of democracy have to be widened now so as to include economic equality also.

-Jawaharlal Nehru, 1939

Much of the debate on school reform over the last decade has centered around the issue of equity in school finance. The disparity of funding levels between high- and low-wealth school districts led to litigation and several rounds of legislation intended to address the inequities. The 1987, the Texas District Court ruling in *Edgewood vs. Kirby* focused reform efforts on the creation of a fiscally neutral system in which school districts have access to similar revenues for similar tax rates. This chapter highlights the major legislative attempts of the past decade to reform the Texas public education finance system.

HOUSE BILL 72

Facing the prospect of a school finance lawsuit, the Texas Legislature in 1983 acted to equalize funding by increasing state support for property-poor districts rather than taking money away from property-rich districts. This approach required a tax increase, yet raising taxes for public education without reform was deemed politically infeasible. A legislative resolution created the Select Committee on Public Education, a blue-ribbon committee chaired by businessman H. Ross Perot, to investigate all aspects of public education, particularly the finance system.[107]

The Committee's findings led to the sweeping changes in 1984 of House Bill 72. These changes included the following major finance provisions: new formulas to calculate foundation program allotments, funding based on the number of students rather than the number of teachers, increases in teacher salaries, price adjustments within the formula, and adjustments in state aid to small districts. House Bill 72 also resulted in the redirection of resources to the early school years. For example, the bill limited class size to 22 in

kindergarten through 4th grade and established half-day prekindergarten programs for disadvantaged children. Nevertheless, property-poor school districts remained dissatisfied with wealth equalization efforts, and the continued inequity across districts led to the *Edgewood vs. Kirby* lawsuit.

EDGEWOOD VS. KIRBY

In January 1987, the *Edgewood vs. Kirby* case went to trial. A group of property-poor school districts challenged the constitutionality of the public school finance system. Several months later, Texas District Court Judge Harley Clark held that the school finance system was unconstitutional since it did not meet efficiency or equal protection standards established in the constitution.[108] Judge Clark maintained "the state is required to devise and continually sponsor a system of finance for our public schools that will give each school district the same ability as every other district to obtain...funds for educational expenditures.... Equality of access to funds is the key..."[109]

SENATE BILL 1019

The 71st Legislature passed Senate Bill 1019 in 1989 as a response to the court's decision. Although it followed the structure of the existing public school finance system, new funds were generated for equalization, sending increased resources to low-wealth school districts. Major provisions of the legislation included an increase in the basic per-pupil allotment for public schools; an increase in the minimum teacher salary schedule of $180 a month at each step; and establishment of a new second-tier formula that guaranteed each school district a minimum amount of state and local revenue at each level of tax effort up to a limit established in the law.

The bill had other important provisions. It called for replacement of two district adjustment factors (the price differential index and the small school adjustment) with a cost of education index in 1992. Law directed state agencies to conduct a number of studies to establish a research base for formula weights and adjustments. A response to the school

finance decision also needed to include state support for facilities. To that end, voters amended the Texas Constitution to permit a School Facilities Aid Fund, and enabling legislation passed to provide the mechanism for using this fund for school construction bonds (Senate Bill 951).

Despite the efforts made in Senate Bill 1019, the plaintiffs filed suit and the Texas Supreme Court ruled in October 1989 that the public school finance system was still unconstitutional (*Edgewood I*). The Texas Supreme Court modified the lower court ruling by finding that a constitutional system must provide districts "substantially equal" access, rather than absolutely equal access, to similar revenues at similar levels of tax effort.[110]

SENATE BILL 1

In another attempt to satisfy the Texas Supreme Court, the Texas Legislature passed Senate Bill 1 in June 1990. This bill increased state revenues by expanding the sales tax base and increasing the tax rate.[111] Some of the increased revenues went to schools, although they were not targeted for such use. At full funding, Senate Bill 1 provided that 95 percent of the students in the state would be in a wealth-neutralized system by fiscal year 1995,[112] and that the distribution of state funds was to continue under essentially the same system.[113] The plaintiffs again brought suit to press for further equalization. First, the district court and then the Texas Supreme Court (*Edgewood II*) rejected the provisions of Senate Bill 1, ruling that equalization for 95 percent of the students is not "substantially equal."[114] The Supreme Court pointed out the problems resulting from heavy reliance on the local property tax. The legislature was given until April 1, 1991, to enact a constitutional system.[115]

SENATE BILL 351 AND HOUSE BILL 2885

The 72nd Texas Legislature passed Senate Bill 351 and House Bill 2885 in 1991. Together this legislation consolidated local tax bases by creating 188 county education districts (CEDs). The CEDs each raised a mandatory minimum levy for the first tier of the foundation program and redistributed funds among school districts in the CED.[116] The new

laws called for increased funding and gradually increasing equalization over a four-year period. In addition, the legislation provided $50 million for emergency facilities grants in response to the court's requirement that both general operations and facilities be included in the equalization program. (Because of problems with federal tax laws the implementation of Senate Bill 951 (1989) was delayed.)

Over time, the new finance system would have eliminated much of the unequalized enrichment in the system. However, by introducing recapture and redistribution, the new measures (specifically the creation of CEDs) were very controversial. A group of property-rich districts challenged Senate Bill 351. On January 30, 1992, the Texas Supreme Court again rejected the state's school finance system (*Edgewood III*). The court ruled that the CED tax was essentially an unconstitutional statewide property tax and also ruled that CEDs cannot tax without an authorizing vote of the people. The Supreme Court established a June 1, 1993, deadline for enactment of a constitutional system.[117]

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Appendix

Legislative Summary

67TH LEGISLATURE - 1981

House Bill 246

- established a proscribed curriculum for all grades called the essential elements. (This bill was a result of a study mandated by HCR 90 of the 66th Legislature that examined statewide curricula.)

Senate Bill 477

- required school districts to maintain bilingual education programs if 20 or more students were identified as having limited English proficiency.
- required the State Board of Education to develop a plan to meet teacher supply needs created by bilingual education legislation.

68TH LEGISLATURE - 1983

House Bill 723

- allowed districts to require a competency test for graduating seniors.

House Bill 2077

- established a pilot program for year-round schools.

68TH LEGISLATURE, SECOND CALLED SESSION - 1984

House Bill 72

Student Reforms

- established that extracurricular activities may not be conducted during the school day.
- raised the passing standard to 70 percent for a school year.
- required school districts to offer prekindergarten programs and summer programs for limited English proficient four-year-olds.
- conditioned student participation in extracurricular activities on maintaining passing grades (known as the no pass/no play rule).
- allowed no more than five absences per semester to gain class credit.
- reduced class sizes in grades 1 through 4 to 22 students per teacher, to be phased in between 1985 and 1989.
- established voluntary after-school programs for failing students.
- mandated standardized tests in reading, writing, and math for all students in

grades 1, 3, 5, 7, and 9, and a testing of language and math skills in grade 12.
- required students to pass an exit-level exam in order to graduate.
- prohibited school districts from granting social promotions.

Teacher Reforms

- established the Texas Teacher Appraisal System.
- established the Teacher Career Ladder, which provides pay bonuses for teachers who perform well on their appraisals.
- established a basic skills test for teachers.
- required eight days of in-service training per year for teachers.

Governance and Accountability Reforms

- created the Legislative Education Board.
- changed the job description for the commissioner of education.
- established accreditation criteria for school districts.

School Finance Reforms

- average daily attendance now based on the best four weeks of eight weeks of attendance records.
- increased funding for the Foundation School Program.
- established a price differential index adjustment in the finance formula to reflect geographic variation in resource costs.
- established increased allotments for special populations of students.
- required the State Board of Education to provide a biennial report to the legislature on the annual average cost to the school districts of meeting accreditation standards.
- entitled districts meeting wealth and tax effort criteria to an enrichment equalization allotment.
- raised local fund assignment by multiplying the ratio of the district's wealth to the average statewide rate by 33.3 percent (up from 30 percent).
- allowed school districts to lift limits set on school taxes in order to make up for the loss of state aid.
- required school districts to pay the state's contribution to the Teacher Retirement System for the amount that exceeds the state minimum for a teacher's salary.
- provided state matching funds for school districts that receive less state aid than for the previous year and raise taxes to offset the loss.
- increased Teacher Retirement System benefits.

69TH LEGISLATURE - 1985

House Bill 1393

- authorized districts to develop gifted and talented programs.

House Bill 1731

- allowed special education students to meet the requirements of their individual education plans rather than satisfy the 70 percent passing standard in order to participate in extracurricular activities.

70TH LEGISLATURE - 1987

House Bill 173

- separated the teacher appraisal system from the administrator appraisal system.
- limited the number of times teachers at Levels Two, Three, and Four of the career ladder would be appraised to once each year.

House Bill 1010

- developed technical definitions for at-risk students and dropouts.
- required the Texas Education Agency (TEA) to develop a dropout reduction program and to submit a biennial report concerning dropouts to the governor.
- created a dropout information clearinghouse and an interagency coordinating council to create a resource network for at-risk students and dropouts.
- required school districts to provide support and remedial assistance for at-risk students.

House Bill 1050

- required each school district to provide a program for gifted and talented students.

House Bill 1619

- specified the subject areas that the State Board of Education could suggest to school districts for in-service training of staff.
- required the State Board of Education to develop a statewide design for delivery of services to handicapped students between the ages of 3 and 21.

House Bill 1894

- required the assessment of all students referred to special education within 60 days of referral.

House Bill 2182

- established the Texas Academic Skills Program (TASP), a basic skills test for college students.

Senate Bill 994

- required applicants for teaching certification to complete an academic major.
- specified that colleges could require no more than 18 hours of education classes for teacher certification.
- required TEA to develop a program to attract talented students to the teaching profession.

Senate Concurrent Resolution 50

- created a special interim committee on dropouts to study the dropout problem and present a report to the 71st Legislature in January 1989.

71ST LEGISLATURE - 1989

House Bill 126

- required the state to adopt rules to include training in recognition of student drug and alcohol use in teacher in-service training.

House Bill 850

- prohibited persons under the age of 18 from receiving a driver's license unless they have graduated from or are enrolled in school.

House Bill 1292

- established a process for approval and funding of pilot parental involvement and parent education programs for parents of school-age children and parents of children ages 0 to 3.
- required TEA to provide guidelines for schools in developing parent education programs.

House Bill 2195

- allowed a process for funding and approval of demonstration programs of innovative educational practices.

House Bill 2566

- added criteria for appraisal under the teacher career ladder at Levels Three and Four.
- established new criteria for entry to each of the four levels of the teacher career ladder.

Senate Bill 40

- eliminated the Texas Assessment of Minimum Skills (TEAMS) for first graders.
- allowed methods other than numerical scoring for evaluating first graders.

Senate Bill 151

- allowed districts to develop programs for pregnant and parenting teens to be funded with compensatory education monies.

Senate Bill 152

- placed further requirements on TEA's dropout reduction plan.
- set an annual longitudinal dropout rate goal of 5 percent.
- required each district to hire an at-risk coordinator to develop an annual dropout reduction plan for the district.
- required school districts with dropout rates higher than the statewide rate to fund remedial programs based on the number of students who dropped out that year.

Senate Bill 246

- permits school districts to offer and operate a pr kindergarten class for low-income and limited-English-speaking three-year-olds.
- permits TEA to develop a pilot program for three-year-old prekindergarten programs.

Senate Bill 367

- required secondary schools with at-risk rates higher than 10 percent to participate in the Communities in Schools program.

Senate Bill 417

Student Reforms

- allowed parents to select among schools within the district where they live, with certain restrictions.
- Texas Assessment of Minimum Skills expanded to include social studies, science, and a writing component.
- Texas Assessment of Minimum Skills (TEAMS) to become norm-referenced as well as criterion-referenced.
- TEA directed to fund pilot programs for 1st- through 3rd-grade students performing below grade level, and to provide study guides to parents of students failing TEAMS at the 3rd-, 5th-, and 7th-grade levels.
- required districts to establish committees to develop individual education plans for special education students.
- required school districts to develop individual transition plans for all special education students age 16 or older.
- allowed students to take high school equivalency exam at age 16.
- set limit for compulsory attendance at age 17.
- required TEA to develop a pilot program to study intervention strategies for at-risk elementary students.
- created a pilot program to prepare at-risk high school students for graduate equivalency exams.
- allowed school districts to establish teen parenting programs.

Teacher Reforms

- directed the State Board of Education to provide alternative certification programs for educators and administrators.
- prohibited teachers from teaching in subject areas for which they are not certified.
- added topics for in-service training.

Governance and Accountability Reforms

- required TEA to conduct compliance reviews of districts for special education rules every five years.
- directed the State Board of Education to establish a process for allowing school districts with exemplary programs to implement innovative education practices.
- required the State Board of Education to develop a set of performance indicators to determine the quality of learning at the campus level.
- required the State Board of Education to adopt rules for the accreditation process of school districts in order to rate their performance.
- required TEA to consider more minority- and women-owned businesses when awarding contracts.
- required TEA to conduct a study to determine the necessary level of funding to pay for summer school for at-risk students.
- created the Educational Excellence Program for Texas to award and recognize achievement in Texas schools.

Senate Bill 951

- established School Facilities Aid Fund to issue bonds guaranteed by the Permanent School Fund for the maintenance of school buildings.

Senate Bill 1019

- instituted a guaranteed yield second tier of equalization for school finance.
- raised the level of foundation program support by increasing the basic allotment.
- added two steps to the 10-step minimum salary schedule (based on experience and education) for teachers.
- raised the minimum salary for teachers at each step.
- established a cost of education index.

Senate Bill 1112

- required students to attend at least 80 days during a semester to receive credit.
- establishes school attendance committees.

71ST LEGISLATURE, SIXTH CALLED SESSION - 1990

Senate Bill 1

Student Reforms

- permitted school districts to offer prekindergarten for three-year-olds.
- denied the State Board of Education the authority to designate the methodology and time requirements for certain subjects.

Governance and Accountability Reforms

- established the new provisions for the appointment of the commissioner of education by the governor.
- reduced the authority of the State Board of Education to establish policy and set rules.
- required annual performance reports from local school districts.
- required the use of the Academic Excellence Indicators System for evaluating school districts for accreditation.
- allowed exemption, upon application for waivers, from certain state education requirements for school districts with "exemplary" accreditation ratings.
- permitted schools to operate on a year-round multitrack schedule.
- required the board of trustees for each school district to adopt a policy to involve the professional staff of the district in establishing and reviewing the district's educational goals, objectives, and major districtwide classroom instructional programs.

School Finance Reforms

- increased the basic allotments.
- raised local fund assignments.
- increased guaranteed yield beginning with the 1993-1994 school year.
- increased the district enrichment tax rate.
- changed the method of calculating student attendance for state funding purposes.
- required statewide accountable cost studies.
- required the development of a cost of education index.
- established an allotment within the foundation program for technology funding.
- provided funding for approved innovative programs.

House Bill 1314

- added criteria for consideration of whether a student with an average below 70 percent should be promoted to the next grade.

House Bill 2175

- established time requirements for laboratory sciences.

Senate Bill 351

Student Reforms

- required school districts to provide prekindergarten programs if there are 15 or more eligible four-year-olds in the district.

Teacher Reforms

- set monthly base salaries for professional and paraprofessional staffs of the school districts.
- provided topics for staff development.

Governance and Accountability Reforms

- called for biennial accountable cost studies.
- allowed the school districts to apply to the commissioner for waivers on current policies for periods not to exceed three years.
- required that TEA assist the Regional Educational Service Centers in delivering staff development and technical assistance to the school districts.
- required the school districts to submit an annual report to TEA describing the involvement of the district's professional staff in district-level decision making.
- increased the school year from 175 days to 180 days.

School Finance Reforms

- redefined tier one of the foundation program to include recapture through county education districts (CEDs).
- redefined the requirements for funding in tier two—the guaranteed yield portion of the foundation program.
- established revenue limits and certain tax rate limits.
- redefined attendance counting so that average daily attendance is based on records maintained over the full school year.
- included students in three- and four-year-old prekindergarten programs in regular attendance counts.
- authorized an emergency facilities grant program.
- gave authority to levy and collect property taxes to the county education districts.

Senate Bill 614

- required elementary schools to participate in Communities in Schools under certain circumstances.

Senate Joint Resolution 42

- proposed a constitutional amendment allowing County Education Districts to adopt tax exemptions for certain residence homesteads and providing for taxation of certain tangible personal property.

72ND LEGISLATURE, SECOND CALLED SESSION - 1991

House Bill 2885

- authorized the immediate creation of county education districts (CEDs)
- clarified the powers of CEDs regarding tax collection, exemptions, and distribution of CED funds.
- required that Centers for Professional Development and Technology be established through colleges of education.
- extended the school year from 175 to 180 days.
- established procedures for assisting low-performing campuses.
- required each school district to develop a site-based decision making plan.
- required the State Board of Education to establish a performance-based statewide assessment program for school districts.
- requires the development and implementation of a set of essential skills and knowledge for all students.
- called for a new statewide assessment program based on the essential skills and knowledge.
- established the Texas Committee on Student Learning.
- revised the Texas Educational Excellence Award System:
    - changed the name to Texas Successful Schools Award System.
    - charged the commissioner of education with choosing which schools the governor would present with financial awards.
    - required the commissioner of education to appoint a committee to establish the criteria for awards.
- required the State Board of Education to create a long-range plan for fostering computer literacy.
- required the commissioner to report to the governor annually on TEA's implementation of the long-range technology plan.
- required that the school districts offer group health insurance to employees.